

## WC § 16.04.070 US Highway 31 Overlay Zone

It is the purpose of the United States (US) Highway 31 Overlay Zone to promote the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated treatment of the properties bordering US Highway 31 in Washington Township, Hamilton County.

US Highway 31 is a limited access highway and an important entrance corridor to the Town of Westfield. It is the further purpose of the US Highway 31 Overlay Zone to preserve the aesthetic qualities of those bordering properties through -

- The promotion of coordinated development in the US Highway 31 Overlay Zone;
  - The establishment of basic standards for structures constructed on the properties within the US Highway 31 Overlay Zone which permit innovative site designs and at the same time encourage efficient land usage; and,
  - The establishment of lot development standards which will encourage substantial capital investments for the development of those properties.
1. US Highway 31 Overlay Zone Boundaries - The boundaries of the US Highway 31 Overlay Zone are hereby established for an area of 1320 feet on either side of the right-of-way for United States Highway 31 in Washington Township, Hamilton County, extending from 146<sup>th</sup> Street to 216<sup>th</sup> Street. (see Figure WC 16.04.070 A)
  2. Permitted Uses - All uses permitted by right in the underlying zoning districts except the following: advertising and business signs (including fabrication); auction room; automobile/mobile home rental/sales/service/repair; automobile gas/service station; automobile/truck cleaning, service, rental and repair; auto parts sales/tire and auto service center; auto rustproofing; auto storage; billiard parlor; boarding/lodging house; boat and trailer sales and service; bowling alley; carnivals, fairs, circuses, etc.; car wash; carry-out food and beverages; caskets and casket supplies (mortuary); cemetery; cemetery monument sales; cemetery monuments and tombstones manufacture (including engraving); charitable donation pick-up station; coal yards; cold storage locker; concrete contractors – heavy commercial; custard stands; discount stores over 10,000 square feet; distributors – inside storage; distributors – outside storage; electrical contractors, heavy commercial; farm implement sales and service; feed stores; free standing fast food establishments/drive-in food and beverage; frozen food stores and lockers; fruit stands, permanent or temporary; fuel or ice sales; garden and lawn materials and supply stores; general construction company; glass fabrication and installation; grain elevator; greenhouses, retail; gymnasiums; hardware stores; helicopter/airplane facilities; home remodeling company; home remodeling supplies and materials; ice and coal stations; industrial uses with outside storage; junk yard/salvage yard; kennel; industrial laundry/dry cleaning plant; laundromats and self-service dry cleaning; lumber/building materials; lumber yards – including millwork; major appliance store; machinery/equipment sales; mineral extraction burrow pit, etc.; miniature golf, archery, driving range trampoline centers; mobile home court; model display homes and garages;

motor bus/railroad passenger station; motorcycle sales, service, repair and outdoor display; newspaper distribution station; nightclubs, bars and restaurants which have less than 50% of their proposed gross sales derived from food sales; nursery plants, retail; outdoor food and beverage sales; outdoor theater; painting and decorating contractors – heavy commercial; photo pick-up station; plumbing contractors – heavy commercial; plumbing showrooms and shop; race track; radio/television transmission tower; raising non-farm animals and fowl; recreational vehicles sales; recycling collection systems; riding stable; roadside sales stand, temporary or permanent; roller and ice skating rinks; roofing contractors – heavy commercial; root beer stands; salt storage – outside; sanitary landfill/refuse dump; scrap metal, junk or salvage storage, auto wrecking-shredding; self-service food and beverage places; septic system contractors; sheet metal shop/contractors – heavy commercial; self storage facilities; storage and transfer (household goods); storm doors, windows, awnings, siding contractors – manufacture; taverns; taxidermist; theaters – indoor; tire recapping; tobacco shops; tool and light equipment rental; trailer rentals; travel trailer sales and rentals; contractors with outside storage; transportation facilities related to industry; trucking companies; variety stores; veterinary hospital with kennel; welding shop; independent warehousing; warehouses – inside storage; wholesalers – inside storage; airports and landing fields; amusement parks; auto and motorcycle race tracks and speedways; book stores, adult; Christmas tree sales; correctional institutions; feed lots, confined commercial; garbage feeding and disposal; kennels – including outdoor runs; livestock auction sale barns; lake developments for recreation; large animal hospital; masseurs and public baths; mobile home parks; outdoor theaters; public and private camps; raising small animals for biological purposes; raising animals for furs or pets; riding academies; riding stables; sanitary landfill; utilities – not regulated by Indiana Utility Regulatory Commission; wireless communication service facilities. Also excepted from use within the US 31 Overlay District are all of the uses listed on “Figure 2, Industrial Businesses” except (these uses are permitted): data processing; engineering and research labs; manufacture and assembly of communication equipment; manufacture of jewelry; manufacture of optical goods; manufacture of recording instruments, phonograph records, etc.; pharmaceutical, biological, medicine and cosmetic manufacture; railroad and other mass transit right-of-way and track.

3. Accessory Buildings and Uses - All accessory buildings and uses permitted in the underlying zoning districts, except that any detached accessory building on any lot shall have on all sides the same architectural features and shall be architecturally compatible with the principal building or buildings.
4. Minimum Lot Size - Except as otherwise provided, a lot shall contain a minimum of 217,800 square feet.

If a lot was recorded prior to November 1, 1989, and said lot does not contain the minimum area required by this ordinance for lots in the US Highway 31 Overlay Zone, then, notwithstanding the minimum lot size requirements for lots in the US Highway 31 Overlay Zone, said lot (“undersize Lot”) may be used for any use permitted in the US Highway 31 Overlay Zone provided:

- a) At the time of recordation of the undersized lot or on the record date, the undersize lot met the requirements for minimum lot size then in effect for a lot in the underlying zoning district;
- b) The owner of the undersize lot does not own any adjoining vacant land (not separated by a street, public way or easement) which, if combined with the undersized lot, would create a lot which conforms to the minimum lot size requirements of this chapter;
- c) All other applicable regulations of the US Highway 31 Overlay Zone can be met.

5. Height and Area Requirements -

- a) Maximum Building Height: The maximum height may not exceed 50 percent of the depth of the front yard. For purposes of this computation, where access to the lot is by a frontage road or which is between the lot and U.S. 31, the roadway width of such frontage road shall be added to the depth of the front yard.
- b) Minimum Building Height - All Uses - 14 feet, to the highest point of the roof for a building with a flat roof; 12 feet to the lowest eaves for a building with a gable, hip or gambrel roof.
- c) Minimum Front Yard-All Uses- 90 feet on US Highway 31  
60 feet on all other streets, roads and highways

Determination of Front Yard - For purposes of applying the requirements of this chapter, the front yard of each lot in the US Highway 31 Overlay Zone, including any corner lot, shall be deemed to be any side of the lot which abuts the right-of-way of US Highway 31 or any other street, road or highway. Private parking areas may be located in the front yard so long as the nearest curb of any such parking area is not less than 25 feet distant from the principal buildings.

- d) Minimum Side Yard - All Uses - 45 feet
- e) Minimum Rear Yard - All Uses - 45 feet
- f) Minimum Aggregate of Side Yard - All Uses - 90 feet
- g) Minimum Lot Width - All Uses - The lot width must equal or exceed that amount which is one-half the depth of the lot. If a lot was recorded prior to November 1, 1989, and said lot does not meet the minimum lot width requirement for lots in the US Highway 31 Overlay Zone, then, notwithstanding the minimum lot width requirements for lots in the US Highway 31 Overlay Zone, said lot may be used for any use permitted in the US Highway 31 Overlay Zone provided:
  - At the time of recordation of said lot or the record date, said lot met the requirements for minimum lot width then in effect for the underlying zoning districts;

- The owner of said lot does not own any adjoining vacant land (not separated by a street, public way or interfering easement) which, if combined with said lot, would create a lot which conforms to the minimum lot width requirements of this chapter; and
  - All other applicable regulations of the US Highway 31 Overlay Zone can be met.
- h) Minimum Aggregate Gross Floor Area – Multifamily, Commercial/Business and Industrial uses - 15,000 square feet (excluding the floor area of any basement).
- i) Maximum Lot Coverage - All uses -
- If all buildings on the lot contain an aggregate gross floor area of less than 25,000 square feet, 35 percent of lot.
  - If all buildings on the lot contain an aggregate gross floor area of between 25,000 square feet and 74,999 square feet, 45 percent of lot.
  - If all buildings on the lot contain an aggregate gross floor area of between 75,000 square feet and 150,000 square feet, 55 percent of lot.
  - If all buildings on the lot contain an aggregate gross floor area in excess of 150,000 square feet, 65 percent of lot.
6. Loading Berth Requirements - As specified in the underlying zoning district, except that no loading or unloading berth or bay may be visible from US Highway 31; elsewhere in the development, such bays shall be completely screened by landscaping or other screening.
7. Landscaping - That portion of the front yard of the lot between the front line and a line which is 30 feet (“Greenbelt Distance”) from and parallel to the front line shall be landscaped in accordance with Chapter 7 and shall be unoccupied except by steps, walks, terraces, access driveways, lamp posts, signs and other similar structures (excluding a private parking area) permitted by this ordinance to be placed in a front yard. Where access to the lot is by way of a frontage road which is between the lot and the US Highway 31, the greenbelt distance shall be reduced by one-half of the roadway width of such frontage road; provided, however, that the greenbelt distance shall in no event be less than 15 feet. Inclusive of this landscaped portion of the front yard, a minimum of 20 percent of the lot surface area shall be landscaped.
8. Other Requirements -
- Outside Storage of Refuse - No outside, unenclosed storage of refuse shall be permitted on any lot. All refuse shall be contained in completely enclosed facilities; no refuse containers or enclosures shall be visible from US Highway 31.

- Utility Screening - All heating, ventilating, communication and like equipment for any facility shall be completely screened from view in a manner that is homogenous with the balance of the structure.
  - Landscaping/Lighting/Architectural Plan - The landscaping/lighting plan for the lot or lots on which any building is constructed or is to be constructed shall be in accordance with the provisions of this chapter, Chapter 6, Chapter 7 and any other applicable standards. The architectural plan of any building proposed to be built in the US Highway 31 Overlay Zone must exhibit pleasing scale and proportion and demonstrate compatibility with other buildings and structures in the same and adjacent developments. A minimum of three (3) materials shall be used for building exteriors, and must include stone or brick. Buildings shall be designed with a minimum of eight (8) external corners to eliminate box buildings. Sloped roofs of 100 feet or more must include a gable, dormer or other change in roof plane.
  - Parking - The required number of parking spaces for off-street parking shall be in accordance with the provisions of WC 16.04.120 of the “Comprehensive Zoning Ordinance of Westfield-Washington Township 1977” as amended.
  - Frontage Roads - All frontage road intersections within this corridor shall be placed a minimum of 500 feet from the right-of-way of US Highway 31 and shall otherwise conform to all INDOT Standards.
9. Exemption - Any alterations to existing buildings or development of additional structures for business existing at the time of this ordinance shall be exempt from the provisions of this ordinance but shall be subject to the approval of the Plan Commission. However, if any existing business ceases to operate and the facility becomes a new type of business then it shall be subject to the provisions of this ordinance.
10. Disclaimer on Rezoning - The US Highway 31 Overlay Zone criteria and standards do not rezone any land. The provisions of the US Highway 31 Overlay Zone apply to all zoning classifications and to land uses that are designated as non-conforming under the “Comprehensive Zoning Ordinance of Westfield-Washington Township 1977”, as amended.
11. Board of Zoning Appeals - All uses and standards of this section of the “Comprehensive zoning Ordinance of Westfield-Washington Township 1977” may be subject to variances as approved by the Board of Zoning Appeals pursuant to WC 16.04.170 of the “Comprehensive Zoning Ordinance of Westfield-Washington Township 1977”, as amended.

